

The Hon. Tana Lin

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

JOSHUA J. HELMAN,
Defendant.

NO. CR25-019TL
CR15-068TL

GOVERNMENT'S SENTENCING &
DISPOSITION MEMORANDUM

Joshua Helman has pleaded guilty to the following crimes in a superseding information:

- a. *Unlawful Possession of a Firearm*, as charged in Count 1, in violation of Title 18, United States Code, Section 922(g)(1).
- b. *Theft from a Bank ATM*, as charged in Count 2, in violation of Title 18, United States Code, Section 2113(b).

The government requests that the Court impose a sentence of 37 months of incarceration under CR25-019 to run concurrently to 8 months of incarceration for the supervised release violations committed under CR15-068, for a total sentence of 37 months of incarceration.

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FACTUAL SUMMARY

A. Helman's 2014 federal conviction.

On February 8, 2014, Helman stole a Glock 9mm handgun and a Remington 12-gauge shotgun from a vehicle parked in the City of Auburn, Washington. That vehicle was a government vehicle issued to a Homeland Security special agent. The two firearms were in a locked steel box that was secured to the vehicle by steel cables. Helman broke into the vehicle through a window and was able to remove the steel box and its contents, including the firearms. Helman subsequently traded the Glock 9mm pistol to another individual for heroin. The Remington 12-gauge shotgun was a short-barreled shotgun as defined by 26 U.S.C. § 5845(a). Helman ultimately pleaded guilty to one count of *Possession of a Stolen Firearm* and was sentenced to 91-months of imprisonment (to be served concurrently to multiple state cause numbers), and 3-years of supervised release. (CR15-068TL, Dkt. 12 and 27.)

B. Helman's supervised release violations (CR15-068TL).

Helman was released from custody on November 18, 2022. While on supervision, Helman amassed a large number of supervised release violations:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	Consuming methamphetamine, in violation of a mandatory condition of supervised release, from on or about the following dates: <ul style="list-style-type: none"> • November 21, 2022 • November 28, 2022 • December 7, 2022 • December 15, 2022 • December 22, 2022 • December 27, 2022
2.	Consuming fentanyl, in violation of a mandatory condition of supervised release, from on or about the following dates: <ul style="list-style-type: none"> • November 21, 2022 • November 28, 2022 • December 7, 2022 • December 15, 2022 • December 22, 2022 • December 27, 2022
3.	Consuming alcohol, in violation of a special condition of supervised release, from on or about the following dates: <ul style="list-style-type: none"> • November 21, 2022 • November 28, 2022 • December 7, 2022 • December 22, 2022 • December 27, 2022

4. Consuming opiates, in violation of a special condition of supervised release, from on or about the following dates:

- November 28, 2022
- December 7, 2022
- December 22, 2022
- December 27, 2022
- December 21, 2022
- January 11, 2023
- January 18, 2023
- February 15, 2023

USPO Petition dated 1-9-23 (CR15-068TL).

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
5.	Consuming fentanyl on or about the following dates, in violation of special condition of supervised release. <ul style="list-style-type: none"> • January 6, 2023 • January 23, 2023 • February 3, 2023
6.	Consuming methamphetamine on or about the following dates, in violation of special condition of supervised release. <ul style="list-style-type: none"> • January 6, 2023 • January 23, 2023 • February 3, 2023
7.	Consuming cannabinoids on or about January 6, 2023, in violation of a special condition of supervised release.
8.	Consuming cocaine on or about January 6, 2023, in violation of a special condition of supervised release.
9.	Consuming alcohol on or about the following dates, in violation of a special condition of supervised release. <ul style="list-style-type: none"> • January 6, 2023 • January 23, 2023
10.	Failing to participate in drug treatment on or about February 11, 2023 to February 16, 2023, in violation of a special condition of supervised release.
11.	Failing to report for testing as scheduled in violation of a special condition of supervised release on the following dates:

USPO Petition dated 2-21-2023. (CR15-068TL). From February of 2023, until his arrest in Auburn on December 22, 2024, Helman was not in contact with the Probation Office. Due to the number of Helman's violations accrued during this time, a warrant was issued.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
12.	Committing the offense of operating a vehicle without ignition interlock, on or about July 23, 2024, in violation of a mandatory condition of supervised release.
13.	Committing the offense of driving with license suspended (DWLS) in the third degree, on or about July 23, 2024, in violation of a mandatory condition of supervised release.
14.	Committing the offense of possession of a firearm, on or about December 22, 2024, in violation of a mandatory condition of supervised release.

USPO Petition dated 1-9-23 (CR15-068TL).

B. December 22, 2024: Helman is found with a firearm and ammunition.

On December 22, 2024, an Auburn police officer observed a black 2003 Mercedes in the parking lot of convenience store, located at 2202 Auburn Way North, Auburn. The vehicle's engine was off and there was a single male occupant (later identified as Joshua Helman) in the driver's seat. Upon taking a closer look, the officer saw the occupant was slumped forward and unconscious or asleep. The officer also saw that there was a water bong in the cup holder within arm's reach of Helman.

Another Auburn officer arrived on scene moments later and observed a pistol magazine on the front passenger seat and a third officer saw a pistol jammed between the driver's seat and the console and that Helman's hand was on the pistol.

The officers then sought to arouse Helman and have him exit the vehicle. After considerable delay – during which Helman was moving around in the vehicle but did not respond to any commands to get out of the car – officers deployed a flash/bang device near the driver door and Helman ultimately got out of the car and was arrested.

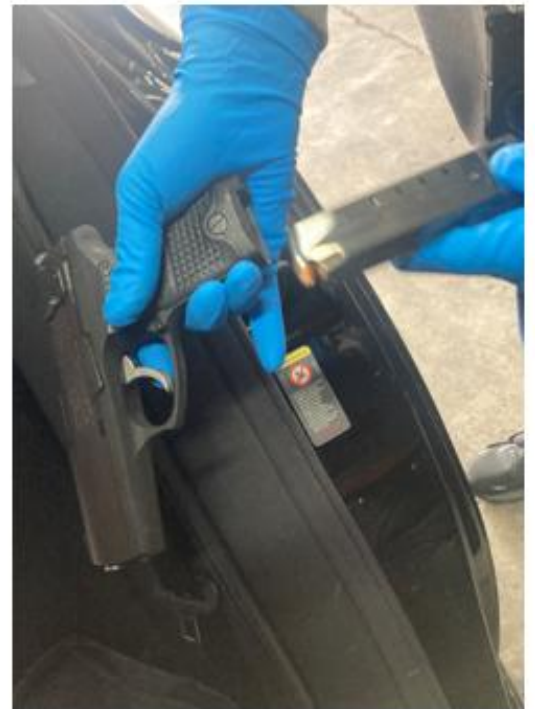
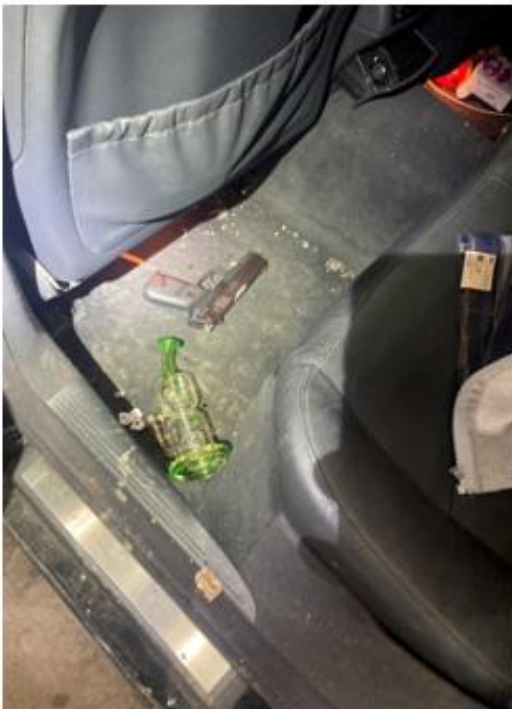
A search of Helman's person incident to arrest found a small packet (.7 grams) of fentanyl powder in his pocket. Helman appeared to be in pain, was slumping over, and mentioned drugs. The Fire Department responded but Helman was not cooperative with their attempt to examine him.¹ Helman was taken into custody on multiple state warrants and the US Marshall hold for his outstanding supervised release violations.

Looking in the vehicle, officers could see – on the floorboard of the rear driver's side – a pistol with a magazine inserted in the magazine well and the hammer cocked back with the safety in the fire position.

A search warrant was obtained for the Mercedes. Inside, officers recovered:

¹ At some point, a woman arrived at the scene and claimed to be Helman's mother but did not know his birth date.

- Glass water bong style pipe (center console)
- Digital scale (driver door pocket).
- Rifle magazine loaded with 23 live rounds of 300 Black Out rounds (rear pocket of front passenger seat).
- Ruger P94 9mm pistol, serial number 308-62632, loaded with a live round in the chamber (rear passenger floor).
- Magazine inserted into pistol with eight live rounds and one in chamber.
- 9mm magazine locate on front passenger seat.
- Stihl concrete saw (trunk).
- Air compressor (trunk).
- Jaws of life hydraulic rescue tool (trunk).



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C. Helman's Thefts from Bank ATMs.

Based on the presence of the Stihl concrete saw, air compressor, and jaws of life, law enforcement concluded that Helman might be part of a group of individuals engaged in brazen thefts from ATM machines, often by breaking into the ATM using jaws of life or physically removing the entire ATM in order to extract the cash at a different location. Helman has subsequently admitted his involvement in the following ATM thefts:

Date	Bank	Loss
06/08/24	BECU 4431 MLK Way South, Seattle, WA	\$130,000 cash loss
10/07/24	BECU 4431 MLK Way South, Seattle, WA	\$280,000 cash loss
10/09/24	Wells Fargo 310 West McGraw Street, Seattle, WA	\$300,000 cash loss
11/20/24	Bank of America 1640 Duvall Avenue NE, Renton, WA	\$371,000 cash loss
11/29/24	Banner Bank 34600 Pacific Highway South, Federal Way, WA	Property damage only

The parties have agreed that the event described in the above chart that occurred on November 20, 2024, constitutes the crime set forth in Count 2 of the superseding information. The events that occurred on June 8, 2024, October 7, 2024, October 9, 2024, and November 29, 2024, constitute relevant uncharged conduct. The defendant has agreed that these thefts would be considered as relevant conduct for the purposes of sentencing.

PROCEDURAL HISTORY

On December 22, 2024, Helman was arrested by Auburn police officers as described above.

On January 30, 2025, Helman had his initial appearance in federal court on the supervised release violations and was detained. (CR15-068TL, Dkt. 43.)

On February 5, 2025, a Grand Jury returned an indictment charging Helman with one count of *Unlawful Possession of a Firearm and Ammunition*. (CR25-019TL, Dkt. 1.)

On February 20, 2025, Helman had his initial appearance on the new charges set forth in an indictment and was detained. (CR25-019TL, Dkt. 11.)

On April 24, 2025, a superseding information was filed, adding one count of *Theft from a Bank ATM*. Dkt. CR25-019TL, Dkt. 20.) That same day, Helman entered a guilty plea to both counts in the superseding information. (CR25-019TL, Dkt. 22 & 24.)

THE SENTENCING GUIDELINES CALCULATION

The government accepts the sentencing calculation set forth in the PSR, which concludes that Helman's Total Offense Level is 18, including a downward adjustment for acceptance of responsibility. PSR §§ 19-42. The government also agrees that Helman has a criminal history score of nineteen, which places him in Criminal History Category VI. PSR ¶¶ 43-77. This yields a Guidelines Range sentence of 57 to 71 months. PSR ¶ 121.

KINDS OF SENTENCES AVAILABLE

Because the guidelines range falls within Zone D of the Sentencing Table, the minimum term must be satisfied by a term of imprisonment. USSG § 5C1.1(f).

THE UNITED STATES SENTENCING RECOMMENDATION

The United States respectfully requests the Court sentence Helman to serve a total term of 37 months imprisonment, a sentence below the low-end of the Guidelines Range.

1 The United States requests the Court impose three (3) years of supervised release and the
2 proposed conditions of supervision set forth in the presentence report.

3 **A. Nature and Circumstances of the Offense.**

4 The circumstances surrounding this charge are obviously concerning. Helman was
5 again caught with a firearm despite being prohibited from possessing guns. Helman was
6 also involved in thefts from multiple ATMs.
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8 **B. History and Characteristics of the Defendant.**

9 Joshua Helman is forty years old and a United States citizen.

10 Helman's criminal history is extensive and egregious. Without counting either his
11 juvenile convictions, or the multiple state convictions that do not score due to their age,
12 Helman has nineteen criminal history points. PSR ¶¶ 43-77. This includes the 91-month
13 sentence for his prior federal sentence for *Possession of a Stolen Firearm*. PSR ¶ 72. For
14 all practical purposes, Helman – who is 40 years old – has spent most of his life behind
15 bars.

16 Helman had a difficult and tumultuous upbringing, including early exposure to
17 methamphetamine which has clearly resulted in a lifetime of addiction and criminal
18 activity. PSR ¶¶ 93-83. To the extent the Court deems it relevant, Helman has an ACES
19 score of 9. PSR ¶¶ 43-77.

20 Helman has an extensive history of substance abuse. Helman admits to using
21 methamphetamine regularly since he was 12 years old. Helman has also admitted to using
22 fentanyl along with methamphetamine in recent years. PSR ¶¶ 103-07. Helman's
23 participation in substance abuse treatment programs has essentially been non-existent.
24 PSR ¶¶ 108-11.

25 Helman does not report a history of depression or mental health issues. He does
26 report counseling as a child. PSR ¶ 98.
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1 Helman has obtained a GED. PSR ¶ 112.

2 Helman, at age 40, has an extremely limited work history. PSR ¶¶ 114-16.

3 **C. Government's proposed sentence under CR25-019: 37 months.**

4 The government respectfully requests that the Court impose a total sentence of 37-
5 months incarceration, to be served concurrently to 8 months incarceration for the
6 supervised release violations committed under CR 15-069. This is an agreed and joint
7 recommendation by the government and the defense. In making this below-Guidelines
8 recommendation, the government has considered the various factors summarized above,
9 including the serious nature of the offenses and Helman's difficult upbringing.

10 **D. Government's proposed sentence under CR15-068: 8 months.**

11 Pursuant to the plea agreement in this case, Helman will be admitting all of the
12 supervised release violations pending under CR15-068. The parties will jointly request
13 that the court impose a sentence of 8 months for the supervised release violations, to be
14 served concurrently to the sentence imposed under CR25-019. The government requests
15 that supervision be terminated under CR15-068 and a new three-year term of supervision
16 be imposed under CR25-019.

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CONCLUSION

For the foregoing reasons, the United States respectfully requests that the Court sentence Helman to 37 months under CR25-019 to run concurrently to 8 months for supervised release violations committed under CR15-068, for a total sentence of 37 months incarceration. The United States requests that supervision be terminated under CR15-068 and three (3) years of supervision be imposed under CR25-019. The United States also asks the Court to impose the conditions set forth in the Presentence Report submitted by United States Probation.

DATED this 22nd day of July, 2025.

Respectfully submitted,

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